

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**GEORGE PAPADOPOULOS,**

**Defendant.**

**Criminal Action**

**No. 1:17-cr-00182-RDM**

**Washington, DC**

**September 7, 2018**

**3:11 p.m.**

**TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE RANDOLPH D. MOSS  
UNITED STATES DISTRICT JUDGE**

**APPEARANCES**

**For the Plaintiff:**

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**For the Defendant:**

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Proceedings recorded by realtime stenographic shorthand;  
transcript produced by computer-aided transcription.

**P R O C E E D I N G S**

**DEPUTY CLERK:** Criminal action 17-182, the United States of America versus George Papadopoulos. Will counsel and the Probation Office please approach the podium and identify yourselves for the record.

**MR. GOLDSTEIN:** Andrew Goldstein from the Special Counsel's Office on behalf of the United States of America. And with me at counsel table are Aaron Zelinsky, also an attorney from the Special Counsel's Office, and Special Agent Curtis Heide from the Federal Bureau of Investigation.

**THE COURT:** Good afternoon to all of you.

**MR. BREEN:** Good afternoon, your Honor. Judge, my name is Tom Breen, B-R-E-E-N. I along with Todd Pugh, my partner, and Rob Stanley, my partner, represent George Papadopoulos who, as you will recall, is the gentleman at the desk.

**THE COURT:** Good afternoon to all of you as well.

**MS. KRAEMER-SOARES:** Good afternoon, your Honor. Kelly Kraemer-Soares and Renee Moses-Gregory on behalf of U.S. Probation.

**THE COURT:** Thank you both for being here as well. So as you are all well aware, we're here this afternoon for the sentencing of the defendant George Papadopoulos who has pleaded guilty to one count of making false statements in violation of 18 U.S.C. 1001. I've received and I've

1 reviewed the presentence report and a recommendation from  
2 the Probation Office. I've reviewed the sentencing  
3 memoranda submitted by the Government and the defense in  
4 this case.

5 At the outset, let me start with the Government.  
6 Is there any other written material that you would request  
7 that the Court consider today?

8 **MR. GOLDSTEIN:** Not that the Government is aware  
9 of, your Honor, no.

10 **THE COURT:** Okay, thank you. And Mr. Breen, is  
11 there anything further of any kind that the defense would  
12 ask me to consider today?

13 **MR. BREEN:** No, your Honor.

14 **THE COURT:** Okay, thank you. So Mr. Papadopoulos,  
15 the sentencing hearing is going to proceed in four steps  
16 today. Some of it is a bit mechanical, and other portions  
17 of it are far from mechanical.

18 The first step is for me to determine whether  
19 you've reviewed the presentence report and whether there are  
20 any outstanding objections with respect to that report; and  
21 if there are, for me to resolve those. The second step is  
22 for me to determine the types of sentences that are  
23 available, and the sentencing guidelines range that applies  
24 in your case. The third step is for me to hear from  
25 Government counsel, to hear from your counsel, to hear from

1     you if you'd like to be heard and to hear from anyone else  
2     who you would like me to hear from today.

3             The final step requires the Court to fashion a  
4     just and fair sentence in light of the factors that Congress  
5     has specified in 18 U.S.C. section 3553(a). And as part of  
6     that last step, the Court will actually impose the sentence  
7     along with any other consequences. So let me start with the  
8     presentence report. The presentence report and sentencing  
9     recommendation were filed in this matter on August 1st,  
10    2018.

11            Does the Government have any objections to any of  
12    the factual determinations or materials set forth in the  
13    presentence report?

14            **MR. GOLDSTEIN:** We do not, your Honor. We do  
15    think that the last sentence in paragraph 68 should be  
16    stricken. I think that is a holdover from the initial  
17    version of the presentence report that is not applicable.

18            **THE COURT:** Okay. I was going to ask about that,  
19    and I'll ask about that in just a minute. That's fine,  
20    thank you.

21            And with the consent of both parties, I will  
22    strike -- or direct that the final sentence of paragraph 68  
23    be stricken.

24            **MR. BREEN:** Yes, your Honor.

25            **THE COURT:** I assumed that's at the request of the

1 defense. So why don't I ask for a moment if Mr. Breen and  
2 Mr. Papadopoulos can come up to the podium.

3 So Mr. Breen, have you and Mr. Papadopoulos had a  
4 chance to review the presentence report?

5 **MR. BREEN:** We have, your Honor. And I believe we  
6 received a draft, and we were allowed to make corrections or  
7 suggestions. I believe we were allowed to file some amended  
8 financial returns that we were having a little problem  
9 gathering. But I think everything is in this presentence  
10 investigation. And Mr. Papadopoulos has reviewed it, and we  
11 have discussed it.

12 **THE COURT:** Okay. And do you have any objections  
13 with respect to the factual determinations in the report?

14 **MR. BREEN:** No, your Honor.

15 **THE COURT:** And Mr. Papadopoulos, are you fully  
16 satisfied with the representation of your counsel in this  
17 case?

18 **THE DEFENDANT:** Yes, I am, your Honor.

19 **THE COURT:** And have you had a chance to talk with  
20 your counsel about the presentence report and the papers  
21 that the Government has filed in this case?

22 **THE DEFENDANT:** Yes, I have, your Honor.

23 **THE COURT:** So the Court will accept the facts as  
24 stated in the presentence report, and those facts will  
25 constitute my findings for purposes of sentencing today.

1                   **MR. BREEN:** Thank you, your Honor.

2                   **THE COURT:** You may be seated. The presentence  
3 report lays out the Probation Office's calculation of the  
4 advisory guidelines range that applies in this case, and  
5 this is fortunately a case in which that calculation is not  
6 a very complicated one.

7                   First, just as a preliminary matter, Congress has  
8 imposed a statutory maximum sentence for the offense for  
9 which Mr. Papadopoulos has pled guilty, and the statutory  
10 maximum for making a false statement in violation of 18  
11 U.S.C. section 1001 is five years imprisonment. Under the  
12 sentencing guidelines, the parties agree that the base level  
13 offense -- the base level for a 1001 violation is six. The  
14 Government has represented that Mr. Papadopoulos has  
15 demonstrated acceptance of his responsibility in a manner  
16 that entitles him to a two-level reduction. And therefore,  
17 prior to considering any departures or variances,  
18 Mr. Papadopoulos' total offense level in this matter would  
19 be a four.

20                   This does bring me to the one question I had which  
21 I think, Mr. Goldstein, you've probably already answered for  
22 me which is I did notice that the presentence report had  
23 indicated that a two-level enhancement for obstruction was  
24 warranted. When I read the plea agreement, it seemed to me  
25 that in the plea agreement the parties had agreed that they

1 would not -- and the Government had agreed not to seek that  
2 enhancement. So I just want to confirm that that's correct?

3 **MR. GOLDSTEIN:** That is correct, your Honor.

4 **THE COURT:** Okay. So I will not then consider an  
5 enhancement for obstruction. Mr. Papadopoulos has no prior  
6 convictions, so his criminal history category is one. And  
7 for somebody who is at level four under the sentencing  
8 guidelines with a criminal history category of one, that  
9 means that the guidelines range is between zero and six  
10 months.

11 Any objections at all to those calculations?

12 **MR. BREEN:** No, your Honor, except it kind of  
13 bothers me that that bell of obstruction of justice has been  
14 rung. But I understand that you're not going to take it  
15 into consideration in sentencing.

16 **THE COURT:** Yes, I will not take that into  
17 consideration, although I do want when I hear from all of  
18 you -- and I will not consider an enhancement for  
19 obstruction of justice in any way. But it would be helpful  
20 for me to hear from the parties just about what happened  
21 with respect to the Facebook account and the cellphone which  
22 I know is mentioned in the statement of offense. So it's in  
23 the record, and I suspect that there is some explanation for  
24 that. But it would be helpful for me to hear about that  
25 just when you speak to me later.

1                   **MR. BREEN:** Gladly we will.

2                   **THE COURT:** Okay, thank you. Then under 18 U.S.C.  
3 section 3583(b)(2), the Court may also impose a term of  
4 supervised release of not more than three years. The  
5 guidelines recommend a term of supervised release between  
6 one and three years.

7                   Mr. Papadopoulos is eligible for not less than one  
8 nor more than three years of probation if the Court were to  
9 conclude that a probationary sentence should be imposed.  
10 Because his offense level is below a six under the  
11 guidelines, the recommended term of probation is a period  
12 not to exceed three years. The maximum fine for this  
13 offense is \$250,000. The guidelines range is between \$500  
14 and \$9,500.

15                   It's my understanding that the parties have agreed  
16 that a fine should be imposed in the amount of \$9,500, is  
17 that correct?

18                   **MR. BREEN:** We have, your Honor.

19                   **THE COURT:** Okay, thank you. The Court must also  
20 impose a special assessment of \$100. According to the  
21 presentence report, that has not yet been paid.

22                   Anything else that anyone wants to add with  
23 respect to the statutory or guidelines sentencing factors at  
24 this point?

25                   **MR. GOLDSTEIN:** Not from the Government, your



1 Honor.

2 **THE COURT:** Okay.

3 **MR. BREEN:** Not from the defense, your Honor.

4 **THE COURT:** I've also considered whether there are  
5 grounds for a departure here. The presentence report  
6 doesn't include any departure grounds. The parties have  
7 agreed in the plea agreement not to seek a departure. And I  
8 don't see a basis for a departure here, so the Court will  
9 not make a departure.

10 Before I discuss anything further, I do want to  
11 disclose the recommendation that was made from the Probation  
12 Office with respect to an appropriate sentence in the case.  
13 And I will say that in making this recommendation, the  
14 Probation Office has not considered any evidence or  
15 information that was not available to the parties in the  
16 presentence report. The recommendation from the Probation  
17 Office is a sentence of 30 days imprisonment, 12 months of  
18 supervised release, no fine, community service and a special  
19 assessment of \$100.

20 The Court must now consider the relevant factors  
21 that Congress has set forth in 18 U.S.C. section 3553(a). I  
22 must ensure that I impose a sentence that is sufficient, but  
23 not greater than necessary, to comply with the purposes of  
24 sentencing. Those purposes include the need for the  
25 sentence imposed to reflect the seriousness of the offense,

1 to promote respect for the law and to provide a just  
2 punishment for the offense. The sentence should also afford  
3 adequate deterrence to criminal conduct, protect the public  
4 from future crimes of the defendant and promote  
5 rehabilitation.

6 In addition to the guidelines and policy  
7 statements, I must consider the nature and circumstances of  
8 the offense; the history and characteristics of the  
9 defendant; the need for the sentence imposed; the guidelines  
10 range; the need to avoid unwarranted sentencing disparity  
11 among defendants with similar records who have been found  
12 guilty of similar conduct; and the types of sentences  
13 available.

14 Mr. Goldstein, would the Government like to be  
15 heard?

16 **MR. GOLDSTEIN:** Yes, your Honor. Thank you,  
17 Judge. In this case, the defendant deliberately and  
18 repeatedly lied to agents of the FBI during the course of a  
19 highly significant federal investigation. He knew the  
20 questions that he was being asked were important. He knew  
21 that lying to the agents was a crime. But he chose to lie  
22 again and again to advance his personal interests.

23 He lied to conceal his contacts with Russians and  
24 Russian intermediaries while he was working on the Trump  
25 campaign. And he lied, as the defense concedes, because he

1 thought it would help him in his efforts to get a high level  
2 position in the new administration.

3 So your Honor, this was a serious offense. It was  
4 not a momentary lapse of judgment. The lies were  
5 purposeful, they were calculated and they caused harm to the  
6 investigation. The defense in their submission argues that  
7 any harm was speculative. But as we set forth in our  
8 memorandum, the defense's -- the defendant's lies had a  
9 material impact on the Government's approach to the  
10 defendant at that time and the investigative steps that  
11 followed.

12 As an example, because of the defendant's lies,  
13 the Government had to painstakingly piece together the  
14 truth, what really happened, through months of additional  
15 investigation that entailed obtaining through the judicial  
16 process and then pouring through e-mail accounts, toll  
17 records, LinkedIn messages and on and on in order to figure  
18 out what actually the truth was.

19 The Government ended up going through more than  
20 100,000 e-mails that were relevant to the defendant's  
21 actions, more than eight gigabytes of data all in order to  
22 discern the true nature of the defendant's contacts and  
23 communications with the individual identified in the papers  
24 as the Professor and his other connections with Russia  
25 during the campaign.

1           It's also notable that the defense's submission  
2           doesn't point to any substantial mitigating circumstance.  
3           There are no lack of advantages in the defendant's  
4           upbringing. There are no mitigating family circumstances.  
5           And while it is true that he did eventually make some  
6           efforts to cooperate -- and we do appreciate that, those  
7           efforts did not occur until after his arrest, six months  
8           after he told his lies.

9           The defendant could have corrected the record at  
10          any time before then. The investigation had become highly  
11          public; he knew it hadn't gone away. But he chose to leave  
12          his lies standing as they were. It was not until he was  
13          arrested that he --

14               **THE COURT:** So can I ask you about that. He was  
15          interviewed and made the false statements in January of  
16          2016.

17               **MR. GOLDSTEIN:** That's correct, your Honor.

18               **THE COURT:** He then came back in with counsel in  
19          February --

20               **MR. GOLDSTEIN:** In mid February, that's correct.

21               **THE COURT:** In mid February. Was there any  
22          attempt or effort at that point in time to correct the  
23          record?

24               **MR. GOLDSTEIN:** Not by the defendant, no.

25               **THE COURT:** Okay. And did he repeat any of the

1 lies or was the topic at the interview just different  
2 topics?

3 **MR. GOLDSTEIN:** It was largely different topics.

4 **THE COURT:** I see.

5 **MR. GOLDSTEIN:** But at that point, he had counsel  
6 and there was no effort in that interview to correct any of  
7 the misstatements or the lies that were told in the first  
8 interview.

9 **THE COURT:** Okay. And with respect to his efforts  
10 to provide assistance or to cooperate, I do understand that  
11 the Government's position is that he did not provide  
12 substantial assistance.

13 Am I right in also understanding that in the  
14 Government's view, although he made efforts to cooperate,  
15 that he did not in fact provide any meaningful assistance?

16 The reason I ask you that question is that the  
17 lawyers in the room all know that the phrase substantial  
18 assistance has a magic meaning to it, and that's a fairly  
19 high standard, whereas assistance could exist that doesn't  
20 rise to the level of substantial assistance.

21 **MR. GOLDSTEIN:** That's a very good question. The  
22 best way to answer that is that he didn't come close to the  
23 standard of substantial assistance. And part of that we  
24 addressed in our memorandum in that over the course of the  
25 four proffer sessions that we described, it wasn't until the

1 Government confronted the defendant with many of his own  
2 communications that we were able to get to a point that we  
3 believed to be the truth.

4 And so it was at best begrudging efforts to  
5 cooperate, and we don't think that they were substantial or  
6 significant in any regard.

7 **THE COURT:** Do you want to say anything about the  
8 telephone too? I did notice in your submission there was a  
9 telephone that wasn't brought to your attention until later  
10 in the process. I couldn't really tell whether that was  
11 simply an omission or whether the Government believes that  
12 that was a further effort to hide material information.

13 **MR. GOLDSTEIN:** We don't know if it was an actual,  
14 deliberate effort to hide information. It's certainly  
15 indicative of the lack of what one would ever expect from a  
16 cooperator, particularly one who had just been arrested and  
17 was trying to make efforts to nominally come clean, that it  
18 took until the fourth proffer session for the defendant to  
19 turn over the phone. There was also a notebook that took a  
20 long time for us to be able to get the defendant to  
21 acknowledge and then to turn over.

22 With respect, your Honor, you had asked earlier  
23 about the defendant's steps after that first interview in  
24 January with regard to his Facebook account and his phone.

25 **THE COURT:** Yes.

1           **MR. GOLDSTEIN:** Based on some representations from  
2 counsel -- which I think he is better to address than I am,  
3 we did determine that we don't think that the enhancement  
4 applies. But we do think that those steps were indicative  
5 again of a lack of cooperation with the Government. At that  
6 point he had lied, and the Government was still trying at  
7 that point to see if he would cooperate. And the fact that  
8 he deactivated his Facebook account which had these relevant  
9 e-mails on it was indicative of him trying to basically make  
10 things go away. But we don't think it amounts to  
11 obstruction.

12           **THE COURT:** I mean, I can imagine a world in which  
13 someone might do that, because now knowing what they know,  
14 the last thing in the world they want is for someone to  
15 reach out and contact them again from someone who may have  
16 some relationship with the Russian government. So that I'll  
17 wait to hear from Mr. Breen about, but when I read that I  
18 was wondering whether that meant --

19           **MR. GOLDSTEIN:** I think that's about right, your  
20 Honor.

21           **THE COURT:** Okay.

22           **MR. GOLDSTEIN:** And just to sum up where our  
23 position is, given the nature of the offense and the  
24 conduct, and what it took to eventually get around to an  
25 assemblance of the truth from the defendant, we believe that

1 if you look at the principles of sentencing set forth in  
2 section 3553(a), that all of them point to some sentence of  
3 incarceration to reflect the seriousness of the offense,  
4 promote respect for the law, to further both specific and  
5 general deterrence. And general deterrence here we believe  
6 is particularly important.

7 And the sentence requested by the defense, which  
8 is effectively no sentence at all and no prison time, would  
9 send the exact wrong message.

10 **THE COURT:** Does the Government have a position  
11 with respect to the nature of that incarceration? I know  
12 you haven't taken a position as to whether it's anywhere  
13 from a day to six months.

14 Does the Government have a position as to whether  
15 it would be appropriate for the Court to impose a  
16 probationary sentence that involved a halfway house or  
17 something short of incarceration with the Federal Bureau of  
18 Prisons?

19 **MR. GOLDSTEIN:** I think to accomplish the  
20 principles of sentencing here, a halfway house I think  
21 probably does not get there in part -- and the defense tries  
22 to address this in their memo. But in the Van Der Zwaan  
23 case where there was a 30-day sentence of imprisonment  
24 imposed, that case is clearly different from this one in a  
25 lot of different ways. But just looking at the nature of



1 the lies that were told here and the effect on the  
2 investigation as a result of those lies, that in many ways  
3 this offense is more serious than that.

4 In that case, there were extenuating family  
5 circumstances that all parties acknowledged. The defendant  
6 had family issues that he needed to attend to immediately.  
7 So here, those circumstances don't exist. A halfway house  
8 sentence would not sort of get to where the sentence needs  
9 to be.

10 **THE COURT:** I did read the transcript from the  
11 sentencing in that case in front of Judge Jackson, so I do  
12 realize that I think there are distinguishing factors, some  
13 of which may weigh on either side of the equation.

14 But since you bring that case up, the other  
15 question that I've been pondering is the question of  
16 sentencing disparity. And that's obviously one potential  
17 benchmark. But I believe that over the past 10 years, there  
18 have been seven cases in this district in which there was a  
19 violation of section 1001, and the guidelines range was  
20 four. And I believe of those seven cases, that is the only  
21 one where there was a term of imprisonment. Now, obviously  
22 I don't know exactly what happened in all of those cases.

23 Nationally, I believe that in just shy of  
24 60 percent of the cases, the sentence is one of probation.  
25 And so one of the things that I've been thinking about is

1 what about this case would distinguish it from those other  
2 cases. I don't know if that's anything you want to address.

3 **MR. GOLDSTEIN:** It's hard in the abstract of  
4 course. I think as Judge Jackson explained in imposing  
5 sentence in the Van Der Zwaan case, one distinguishing  
6 feature that is common to both cases is when lies are told  
7 and allowed to be -- allowed to persist, and particularly  
8 here where they were allowed to persist for many, many  
9 months in an investigation of clear national import where  
10 the defendant knows and understands the importance of the  
11 investigation, that that is a distinguishing factor that is  
12 undoubtedly not present in the mine-run of cases that you're  
13 talking about here.

14 **THE COURT:** Okay. Anything further that you  
15 wanted to add?

16 **MR. GOLDSTEIN:** Not now.

17 **THE COURT:** Okay, thank you.

18 **MR. GOLDSTEIN:** Thank you, Judge.

19 **THE COURT:** Mr. Breen.

20 **MR. BREEN:** Your Honor, if I could indulge the  
21 Court and perhaps take just a little more time than the  
22 Special Counsel did, because I think to understand this case  
23 and to understand George Papadopoulos, we have to spend a  
24 little more time on his background, who he is and the  
25 timeline involved in this case.

1                   **THE COURT:** I would be delighted for you to do  
2                   that.

3                   **MR. BREEN:** And I do appreciate that, Judge. Most  
4                   of what I have to say is contained in the memorandum, but  
5                   just for the sake of emphasis, I'd like to remind the Court  
6                   that George Papadopoulos pled guilty to this case; that he  
7                   is ashamed of what he did; and that he is remorseful for  
8                   what he did.

9                   I want to respond to the Government's claim that  
10                  Mr. Papadopoulos actually hindered this investigation. I of  
11                  course was not the investigator, I don't know whether or not  
12                  he specifically hindered anything. I do know that what he  
13                  was doing certainly had the possibility or the ability to  
14                  hinder the investigation.

15                  And I'm going off script here for just a moment,  
16                  but it's a strange off script. I and Rob Stanley dealt with  
17                  the special prosecutors on many, many occasions. We found  
18                  them -- and believe me, Judge, I'm not saying this to be  
19                  solicitous, I'm saying it to respond to the begrudging  
20                  nature of the interviews. They were professional. They  
21                  were well-prepared. Their questions were long. They were  
22                  fair.

23                  They had, we believe, certain documents that could  
24                  have been shown to George at an earlier point in time which  
25                  might have saved some time. But to their credit, they

1 didn't do that. And I have -- I was a prosecutor at one  
2 time, and I also did some special investigations. These  
3 folks were extremely careful not to give hints to a  
4 potential witness. And because of that method of  
5 interrogation, the information I think they received in the  
6 end is gold because nobody has attempted to influence a  
7 potential witness at all.

8           So yes, he was apparently begrudging, but he was  
9 having a hard time on the square with certain dates and  
10 certain things that occurred in certain places which all  
11 became rather crystal clear once e-mails, text messages and  
12 other things were revealed to him following I believe search  
13 warrants and him being allowed to check his own e-mails. So  
14 that's a compliment to them, but I also -- I think, Judge,  
15 it explains a little bit about the difficulty in gathering  
16 information from our client.

17           **THE COURT:** It does, but what it doesn't explain  
18 is, you know, I can imagine a circumstance in which as you  
19 portray it somebody is caught off guard, and they exercise  
20 very bad judgment and they lie to the FBI about an important  
21 matter. But many people, if that happened, would go home  
22 and their conscience would eat at them and they'd say, "You  
23 know, I really made a big mistake." And they would say,  
24 "I've got to correct that mistake."

25           And I don't know what the Government would have

1 done, but I suspect had he come back in a few weeks later  
2 and said, "You know, I feel terrible about this. I was  
3 caught off guard, and I need to clarify what I said to you."  
4 I suspect we probably wouldn't have seen a prosecution had  
5 he done that. He had plenty of opportunity to come back and  
6 say, "I made a mistake," after he had contemplated it, and  
7 he didn't do that.

8 **MR. BREEN:** That's correct, Judge, and we have to  
9 live with that prolonged mistake that he made. And we  
10 appreciate that, and I think he appreciates it also.

11 **THE COURT:** Since I've already interrupted you and  
12 I don't want to stop your flow too often, let me ask you a  
13 second question at this point which is I did notice in your  
14 papers you made a point similar to something that I think  
15 you just opened with a moment ago. You said in the papers  
16 that Mr. Papadopoulos does not believe that his false  
17 statements actually harmed the investigation as alleged.  
18 And I think this was responding to the Government's  
19 allegations with respect to the Professor and their  
20 inability to interview the Professor.

21 **MR. BREEN:** Right.

22 **THE COURT:** And you made a similar point now about  
23 where you don't really know whether it interfered with the  
24 investigation or not. But the statement of offense that  
25 Mr. Papadopoulos signed and gave sworn testimony to does say

1 that he impeded the FBI's ongoing investigation regarding  
2 the existence of any link or coordination between  
3 individuals associated with the campaign and the Russian  
4 government's efforts to interfere with the 2016 presidential  
5 election.

6 So for purposes of sentencing, do I accept the  
7 proposition that he in fact did interfere in the  
8 investigation? And if the answer to that is I shouldn't,  
9 then I'm wondering about the plea.

10 **MR. BREEN:** No, Judge, because we are accepting  
11 representations by the special prosecutor. We are accepting  
12 representations that he could -- that he makes which is that  
13 if this matter were to go to trial, we'd be able to prove  
14 that. So we do admit to those facts. We admit to the fact  
15 that if this case were to go to trial, they would be able to  
16 prove that very language.

17 **THE COURT:** Okay, thank you.

18 **MR. BREEN:** And I say what I said, Judge, not to  
19 argue or nit-pick, I just think it's a further mitigating  
20 factor.

21 Judge, I want you to know something more about  
22 George Papadopoulos and how he ended up making this stupid  
23 mistake. He was always interested in international affairs  
24 and international politics. He went to DePaul University in  
25 Chicago, our hometown. Following that, he went to a college

1 in London where he received certain degrees. He always had  
2 an interest in foreign affairs and things like that. He  
3 interned at Hudson Institute which I don't know much about,  
4 I Google it like others. He worked there for a while  
5 without pay. He later became a paid employee. And he  
6 concentrated on an area of energy policies, specifically for  
7 Cyprus, Israel, Egypt and Greece. And this is his area of  
8 alleged expertise.

9 In 2015, he wants to get into politics. He wants  
10 to pick a candidate. The candidate he chooses to work for  
11 is the now President of the United States, Donald Trump.  
12 For whatever reasons, Donald Trump's campaign did not pick  
13 him up as a paid or a volunteer campaigner, but Dr. Ben  
14 Carson picked him up. He worked for Ben Carson for several  
15 weeks or months, and when Carson's campaign began to dribble  
16 down in March I think it was of 2015, George ended up going  
17 back to the Trump organization and being approved by a  
18 higher up in the campaign to work for the Trump campaign.

19 And here's where things -- well, actually things  
20 get interesting just about every place in this case. He  
21 gets -- he has an interview I believe it is in early March  
22 of 2016 by a chief of the Trump campaign. By March 21st,  
23 the then candidate Trump comes up with a national security  
24 committee or national security adviser group, and George  
25 Papadopoulos' name is on that group. They later meet on

1 March 31st.

2 George Papadopoulos is absolutely delighted. The  
3 man he wanted to work for has now not only accepted him to  
4 work on the campaign, but has appointed him to this advisory  
5 national security committee.

6 On March 24th, how this occurs we don't know, but  
7 he crosses paths with this Professor Mifsud and explains to  
8 him that he's going to be working on the Trump campaign.  
9 Mifsud starts -- I'm going to use the word, working George  
10 at that very moment, and starts telling George about his  
11 connections with Russia. On March 31st, there is a meeting  
12 here in this town I believe where the Trump national  
13 security group meets. There's a photograph of it. George  
14 seems to be circled in every photograph I see in the  
15 newspaper. There's Jeff Sessions, Senator Jeff Sessions,  
16 Donald Trump and all sorts of other higher ups in the  
17 political world.

18 George is now all of a sudden, at a young age,  
19 hanging in the room with the big guys. He is delighted. He  
20 never thought he would be in that room. It is national and  
21 international news, and the photo goes out on March 31st.

22 Now, what happens? He goes back and he now has,  
23 as I refer to it, as this unbridled loyalty to Trump. And  
24 he crosses paths again with this guy Mifsud, and then  
25 crosses paths with him again over breakfast.



1           Now, the second meeting he has with Mifsud, I  
2     believe that's where Mifsud introduces him to Olga who's a  
3     Russian national who is related to President Putin. What is  
4     going through George's mind at this moment is what he heard  
5     back March 31st at the national security meeting which is  
6     that the campaign is going to focus on improved  
7     relationships with Russia and the United States. George  
8     even volunteered at that meeting that, "I may have some  
9     connections," mentioning Mifsud. He says it in front of  
10    everybody.

11           There's an acknowledgement by then candidate  
12    Trump. There's a nod or a gesture of approval by then  
13    Senator Jeff Sessions. He now knows he may not be used for  
14    oil or gas energy, he's going to work these connections. He  
15    doesn't know that he's being worked by a pro, and he was  
16    being worked by a pro in my humble opinion.

17           So what happens? Mifsud, for whatever reasons,  
18    decides to lay some information on George Papadopoulos who  
19    is part of the security committee. And Mifsud tells George  
20    Papadopoulos, "You know, I just came back from Russia. And  
21    I've got a lot of contacts in Russia. And you met Olga, the  
22    niece of Putin, and all that. I'm the guy. And Russia is  
23    telling us that they've got dirt on candidate Hillary  
24    Clinton in the form of thousands of e-mails."

25           Now, one might think because of where the

1 investigation is today that that would be the biggest news  
2 in George's mind, but wasn't the biggest thing in his mind  
3 at that time. What was important is that he ran into a guy  
4 who has Russian connections who can help George get what  
5 Trump and others seem to want which is a meeting between  
6 Russia and U.S. officials or Putin and Trump or something  
7 like that. And he begins to work that part of it.

8 He sends e-mails back to the campaign, back to the  
9 Trump campaign, about what he is doing. He thinks he is  
10 furthering the interests of the fella that he wants to be  
11 president. No offense, but he was unsophisticated, he was  
12 naive and he was a fool.

13 And give me a minute, Judge. I'm probably the  
14 oldest guy in this courtroom. But if I were dealing with a  
15 Russian agent or somebody who's talking on behalf of Russia,  
16 what goes back into my mind is panic. It's attending a  
17 Catholic grammar school outside of Chicago where nuns had us  
18 hiding under desks for a nuclear attack. That's what  
19 Russian government means to a guy like me. Some may be old  
20 enough to remember the Russian government was putting  
21 nuclear missiles in Cuba, but the younger people don't  
22 remember that. And if they haven't read up on it, the  
23 danger of dealing with Russia is not that obvious.

24 But in any event, your Honor, he had this  
25 information. He does not know if he passed it on to anybody

1 in the Trump campaign. He can guess, but he doesn't know  
2 who it was. So he didn't want to name any specific person  
3 because he's not sure he did. But what he did do was work  
4 again and again through e-mails, Skype apparently and text  
5 messages trying to get Russian officials to meet with U.S.  
6 officials. And that was going back to the Trump campaign.

7 Now, on January 27th -- and Judge, I know I'm  
8 probably boring you.

9 **THE COURT:** No, you're not.

10 **MR. BREEN:** But the timeline is so important in  
11 this case, and I think you'll appreciate the point I'm going  
12 to make. On January 27th, he's in the shower when there's  
13 apparently a knock on the door. He wouldn't be here today  
14 if he had stayed in the shower, but he didn't. He came down  
15 to greet the agents at the door. They gave him some time to  
16 think about coming in and talking.

17 He got dressed. The agents drove him in to the  
18 FBI -- I call it the headquarters, but it could be a field  
19 office, on Roosevelt Road in Chicago and they interview him.  
20 And that's the history and that's the charge that we're  
21 looking at right now. And I think we summarized it pretty  
22 well in our memorandum.

23 On January 27th, he had -- stupidly he had the  
24 opportunity not to talk. He didn't take that opportunity.  
25 The agents are gifted, talented in their interrogation

1 methods. There was nothing illegal about the interrogation.  
2 His interview was free and voluntary. And he hedged and  
3 balked, and he committed a crime. That's what he did. And  
4 he's accused of lying to the agents that would hinder an  
5 investigation, a very serious investigation, regarding  
6 national security. I understand where they're coming from.

7 But I say, Judge, it was not his intent to hinder  
8 an investigation regarding national security. He wasn't  
9 anti United States. He's a good patriot. He's not anti  
10 FBI, he's pro FBI. He made a strategic decision to attempt  
11 to keep his name in the hopper for a position with the Trump  
12 administration.

13 Now here's why, Judge, I say the timeline -- and I  
14 could go through it date by date, but I'm not going to do it  
15 because I think you've probably picked up on most of the  
16 important dates. January 27th, 2017 he's being interviewed  
17 by the FBI.

18 **THE COURT:** 2016.

19 **MR. BREEN:** 2016, I'm sorry. The primary was in  
20 full swing earlier in 2015. Donald Trump is the candidate  
21 of the Republican party. Hillary Clinton is the Democratic  
22 candidate. He is a Trump fan, he is working for the Trump  
23 organization --

24 **THE COURT:** I'm sorry, it was 2017. I threw you  
25 off I guess.

1           **MR. BREEN:** That's all right, Judge. When I took  
2 my notes, I had to correct '16 and '17 quite often. But in  
3 any event, there was public information in at least October,  
4 if not earlier, regarding a Russian meddling operation of  
5 some sort.

6           On November 8th, 2016, Trump is elected President  
7 of the United States. Here's why the timeline is important.  
8 On January 20th, 2017, Trump begins his fake news campaign,  
9 witch-hunt campaign. Now, I say January 20th. It probably  
10 occurred earlier than that, but I was able to verify that on  
11 January 20th, the President of the United States, the  
12 Commander-in-Chief, he told the world that this was fake  
13 news and a witch-hunt. Seven days later he's brought in for  
14 the interview. The President of the United States hindered  
15 this investigation more than George Papadopoulos ever could.

16           **THE COURT:** Let me just say you're welcome to make  
17 whatever arguments you want today. My focus is very much  
18 today on Mr. Papadopoulos and what happened with respect to  
19 Mr. Papadopoulos.

20           **MR. BREEN:** And I appreciate that, your Honor, but  
21 my point is this: The guy he worked for, who he wanted to  
22 see President of the United States, is telling everybody  
23 that the investigation these fellas talked to him about is  
24 fake. And that's the mindset going in there.

25           And again, Judge, he made stupid, stupid mistakes.

1 His motives for lying or hedging -- you know, I guess I  
2 shouldn't say hedging, for lying to the FBI had to do with  
3 loyalty to a candidate and loyalty and concern for his  
4 future with the Trump administration. That's what it was  
5 all about.

6 When Rob Stanley and I and Todd Pugh got involved  
7 in this case, it was after that day of January 27th. I  
8 remember quite well the interview in our office in February  
9 of 2017. We were present. I don't know if that's an  
10 aggravating factor or not, but he certainly did not at that  
11 point in time come forward and straighten out any mistakes  
12 that he had made on January 27th. He did get arrested in  
13 July of 2017. He did attempt to cooperate.

14 Was he a know-all of the intricate details and the  
15 people involved? No. He had a limited amount of  
16 information. He attempted to give that information to the  
17 special prosecutor. He consented to searches for his  
18 electronic devices. He reviewed a journal with some notes  
19 in it that he had kept. He identified e-mails and explained  
20 his interactions with specific people such as Mifsud, Olga,  
21 Ivan Timofeev -- and that's T-I-M-O-F-E-E-V, and a Sergei  
22 Millian. He spoke of interactions. He had meetings with  
23 members of the campaign. He detailed a meeting in May of  
24 2016 where he revealed to the Greek foreign minister that  
25 the Russians had dirt on Hillary Clinton.

1           He told the prosecutors and the agents the details  
2   of the March 31st national security meeting in Washington,  
3   D.C. And he agreed to three extensions for sentencing so  
4   that the investigation would not have to be sidelined to  
5   spend time on this sentencing matter and not need to reveal  
6   things in public. And he was anxious to be sentenced,  
7   because this has upset his life considerably.

8           You mentioned, Judge, the Facebook account. As I  
9   understand it and I remember it, people had been getting  
10  ahold of him through Facebook because he had a big presence  
11  on Facebook. His father told him, "Get rid of that Facebook  
12  account. I don't want these people contacting you." I  
13  can't tell you that we advised him to get rid of it. I can  
14  tell you we certainly thought it was a good idea to get rid  
15  of the Facebook account. That was not to obstruct an  
16  investigation.

17           Rob Stanley, who's much more technical than I,  
18  knows full well that those Facebook things are -- you can  
19  get them in the cloud or wherever they hang out or whatever.  
20  He wasn't destroying the information that was on the  
21  Facebook account.

22           **THE COURT:** I do not intend to rely on the taking  
23  down of the Facebook page as in any way an aggravating  
24  factor here.

25           **MR. BREEN:** You know, I've been doing this a long,

1 long time and I've never -- maybe this is just a war story I  
2 want to tell you, but maybe it's of interest. When Rob and  
3 I went into the FBI headquarters in Chicago -- or their  
4 field office, with George for him to be interviewed and  
5 maybe to meet these fellas for the first time, these fellas,  
6 we were in the waiting room and Rob taps me on the shoulder  
7 and points. And up there in the FBI waiting room, the  
8 lobby, is a photograph of the President of the United  
9 States, Donald Trump, and the Attorney General of the United  
10 States, Jeff Sessions. And we were going in there to  
11 cooperate potentially, potentially -- and I'm not casting  
12 aspersions, potentially against those two individuals.

13 This is an unusual case. It really is. And  
14 George Papadopoulos has taken the lashings again and again  
15 of public opinion. You probably don't follow it, but he  
16 does. I do occasionally. It doesn't make any difference,  
17 Democrat, Republican or whatever, he gets beat up all the  
18 time. They've called him a traitor which he's not. They've  
19 called him a snitch which he's not. They call him  
20 everything.

21 So why did we ask for probation terminated  
22 instant? Well, Judge, he's taken his pounding. He's  
23 lived up to the conditions of his bond. He has been in this  
24 precarious position for over 18 months. There's no purpose  
25 in incarcerating him that I can see. The message here isn't



1     deterrent, let's lock him up. The message is for all of us  
2     to check our loyalty, to tell the truth, to help the good  
3     guys even if you have to pay a price for that. He  
4     understands that message now, Judge. We all do. That's why  
5     we asked for probation terminated instanter or why the Court  
6     could consider one day consider served, because he has been  
7     punished. I don't know what his life is going to be like  
8     after this. He certainly won't be being put on any high  
9     ranking committees.

10           So that's it, Judge. Thanks.

11           **THE COURT:** Thank you. Mr. Papadopoulos, you have  
12     a right to make a statement or to present any information  
13     that you'd like to to the Court. Would you like to be  
14     heard, Mr. Papadopoulos?

15           **THE DEFENDANT:** I would, your Honor.

16           **THE COURT:** Okay, please.

17           **THE DEFENDANT:** Your Honor, in January 2017, I  
18     made a terrible mistake for which I have paid dearly, and I  
19     am terribly ashamed. My parents, who are in this courtroom  
20     today, raised me with the principles of honesty and respect  
21     for the law. When I lied to the FBI, I cast aside those  
22     principles and compromised the person who I am.

23           Please understand that when I told those lies, my  
24     life was in a whirlwind. I had just left a presidential  
25     inauguration and all the festivities that were involved with

1     it. I was surrounded by important people and the promise of  
2     brilliant opportunities. I was young and ambitious and  
3     wanted to serve my country at the highest levels. I was  
4     excited to be part of something that I sincerely believed  
5     in.

6             When the FBI came to my home, I knew that there  
7     was an incipient investigation into Russian efforts to  
8     interfere in the 2016 presidential election. I wanted to do  
9     my best to help this investigation while simultaneously  
10    creating distance between the issue, myself and the next  
11    President of the United States. I understand now that in  
12    trying to do this, I was not honest and I might have  
13    hindered the investigation.

14            My interrogation covered a myriad of topics  
15    regarding my interactions with Sergei Millian; whether  
16    Israeli officials were cultivating me as a spy; the dossier;  
17    my knowledge of any potential campaign collusion; and of  
18    course the now infamous Professor Joseph Mifsud. While I  
19    told the FBI that Joseph Mifsud informed me that the  
20    Russians have thousands of Hillary Clinton's e-mails, I hid  
21    many aspects of my relationship with Joseph Mifsud. That  
22    was wrong, it was a crime.

23            I consider myself a patriotic American who in no  
24    way would ever hurt his country. Serving in the United  
25    States with pride is all I ever wanted to do. In hindsight,

1     lying to federal agents about such a critical issue could  
2     have harmed our nation, and for that I am deeply embarrassed  
3     and personally ashamed.

4             Since my name was released publicly, my entire  
5     life has been turned upside down. Friends stopped returning  
6     my phone calls. People point and snicker, and I have been  
7     terribly depressed. I am most saddened by the stress of my  
8     actions and the public shaming have visited on my loving  
9     family and my wife. It will take me a lifetime to repay  
10    them for their support.

11            While many may think that I deserve it, I hope --  
12    that I do not deserve it, I hope to have a second chance to  
13    redeem myself. I made a dreadful mistake, but I'm a good  
14    man who is eager for redemption. I also hope that me  
15    standing here in front of the Court and you, your Honor, and  
16    the public today signals to all future and current witnesses  
17    in this investigation that this investigation has global  
18    implications and that the truth matters.

19            I'm grateful for the opportunity I was given to  
20    assist in this investigation. I was young and naive, but  
21    I've done my best to atone for my mistakes. I have nothing  
22    but respect for the Court and the legal process, and I am  
23    ready to accept my sentence. Thank you, your Honor.

24            **THE COURT:** Thank you. Mr. Breen, anything  
25    further that the defense wants to argue or present?

1                   **MR. BREEN:** No, your Honor. Thank you.

2                   **THE COURT:** Mr. Goldstein, anything further from  
3 the Government?

4                   **MR. GOLDSTEIN:** I just wanted to make the record  
5 clear, your Honor, that there were some factual  
6 characterizations that defense counsel -- esteemed defense  
7 counsel made that we would disagree with. But we don't  
8 think that they're relevant for your Honor's determination,  
9 so I don't think we need to get into that.

10                  **THE COURT:** Okay, thank you. I think what I'm  
11 going to do is take a break for just a few minutes, because  
12 I do want to think about this. I will be back in less than  
13 15 minutes I suspect and will be able to give you my  
14 decision then.

15                  (Off the record at 4:05 p.m.)

16                  (Back on the record at 4:17 p.m.)

17                  **THE COURT:** Thank you all for your presentations,  
18 they've been very helpful to me. I have to say I think you  
19 can ask any judge, and the judge will tell you the hardest  
20 thing that we do is imposing sentence. And this is not a  
21 case in which the Government is before the Court asking for  
22 decades of incarceration or anything like that, but I  
23 recognize that any criminal case -- and this case like any  
24 other criminal case, the consequences and implications of  
25 what the Court does is of enormous importance to the

1 defendant in the case and of enormous importance to the  
2 public. And so I struggle, and I've struggled over this  
3 case a great deal as I often struggle in imposing sentence.

4 I've assessed the particular facts of the case in  
5 light of the section 3553(a) factors, including the  
6 sentencing guidelines. I want to provide remarks,  
7 Mr. Papadopoulos, for you about my thinking about the  
8 sentence as well as for the record and for the public.

9 The first consideration that the Court has to  
10 think about is the nature of the offense. And I think that  
11 there's for the most part agreement in this room that this  
12 was a serious offense. Mr. Papadopoulos was aware that the  
13 FBI was investigating efforts by the Russian government to  
14 interfere in the 2016 elections. And he was aware that they  
15 were investigating whether anyone related to the campaign  
16 was involved in that effort to interfere in our democracy.  
17 He was aware of it because the FBI told him that's what they  
18 were investigating.

19 Although it occurred over the course of a single  
20 interview, Mr. Papadopoulos repeatedly lied to the FBI about  
21 important facts relating to that investigation. He's  
22 acknowledged that through his false statements and omissions  
23 he impeded the FBI's investigation into the existence of any  
24 links or connections between individuals associated with the  
25 Trump campaign and the Russian government's efforts to

1 interfere in the 2016 presidential elections. That's a  
2 matter of enormous importance.

3 The defense takes issue with the Government's  
4 contention that Mr. Papadopoulos intended that his false  
5 statements from the investigation -- I'm not sure whether  
6 the Government argues that or not actually, but the defense  
7 does says that his motives were not sinister motives. And  
8 according to the defendant's sentencing memorandum -- and  
9 I'm quoting from that, "Mr. Papadopoulos misled  
10 investigators to save his professional aspirations and to  
11 preserve a perhaps misguided loyalty to his master."

12 I don't have any reason to believe and I don't  
13 think there's any reason in the record to conclude that  
14 Mr. Papadopoulos had any desire to aid Russia in any way, to  
15 do anything that was contrary to the national interest. But  
16 his motive was not the best motive that one can imagine in  
17 these circumstances. This was not a noble lie.

18 By Mr. Papadopoulos' own account, he lied to the  
19 FBI in the course of an important investigation, an  
20 investigation that was important to the nation. And he lied  
21 because he hoped that it would make it easier for him to get  
22 a high ranking job in government. In his own words, he lied  
23 out of a misguided loyalty to his master. Those are not  
24 noble reasons to tell a lie. And at some level, it  
25 constitutes a calculated exercise of self-interest over the

1 national interest.

2 Mr. Papadopoulos and his counsel suggest to the  
3 Court that he was caught off guard, and that he lied because  
4 he was caught off guard. But this was fairly calculated to  
5 say to himself, "If I answer these questions, it may not  
6 reflect favorably on the President. It may not reflect  
7 favorably on his campaign. And they might take it out on  
8 me, and I may not be able to get that job that I was hoping  
9 to get in the Government." And that is a circumstance, even  
10 if one puts aside the criminality of it, that does not  
11 reflect good character. It is a matter of saying I'm  
12 willing to promote my own interests in getting a job perhaps  
13 as a deputy assistant secretary in the Department of Energy  
14 over the interests of the nation and protecting the  
15 institutions that we value so much, of preventing a foreign  
16 nation from harming the United States.

17 So while I don't for a moment believe that  
18 Mr. Papadopoulos was seeking to assist the Russian  
19 government in any way, he was seeking to assist himself in a  
20 way that placed his own personal ambition above the  
21 interests of the United States.

22 I also think it's relevant that Mr. Papadopoulos,  
23 even if caught off guard when he lied, had the opportunity  
24 to correct things. He went back in for a further set of  
25 interviews. He could have gone into those interviews and

1 said to the FBI at that point in time -- having had the time  
2 to go home and ponder it and say, "I made a mistake," he  
3 could have gone in and said, "I made a mistake. I told you  
4 something, I was caught off guard and on further reflection  
5 I need to clarify." I don't know what would have happened  
6 under those circumstances, but my suspicion is there  
7 probably wouldn't even have been criminal charges that would  
8 have been brought had that occurred.

9 It took six months before Mr. Papadopoulos  
10 corrected the record, and then when he did correct the  
11 record, as I understand the facts, he did so in the face of  
12 proof that he had lied. And it's one thing where the  
13 Government isn't on to you to come back and say, "You know,  
14 I'm feeling sick about what I did here and I need to correct  
15 something." It's another thing when you're confronted with  
16 your lies then to say, "Yes, I didn't tell the truth." So  
17 for all of those reasons, the Court does think that this is  
18 a very serious matter.

19 And with respect to the question that I had posed  
20 earlier about how this -- to Mr. Goldstein about how this  
21 case does compare to other cases brought under 18 U.S.C.  
22 section 1001, certainly this aspect of it to my mind weighs  
23 in favor of concluding that this is more serious,  
24 significantly more serious than perhaps the typical  
25 violation of 1001.



1           Turning to the characteristics of the defendant  
2       which I'm also required to consider, I do credit the fact  
3       that Mr. Papadopoulos was in his late 20s at the time this  
4       happened. He had only held a couple of jobs. I certainly  
5       have had people in my court considerably younger than  
6       Mr. Papadopoulos who have been facing considerably more dire  
7       consequences in which their age is not a substantial  
8       mitigating factor. But I do understand that there perhaps  
9       was -- that an older and wiser Mr. Papadopoulos hopefully  
10      would not have done what happened here.

11           There's not a whole lot by way of mitigation as  
12      well though as Mr. Goldstein indicated. This is not a case  
13      in which Mr. Papadopoulos came from particularly difficult  
14      circumstances. It was a case in fact where in some sense he  
15      was riding very high at the time this had happened. As  
16      Mr. Papadopoulos said to me himself, he had just come from  
17      the inauguration of the President of the United States. He  
18      was hoping to get a high level job in the government. He's  
19      somebody who holds an advanced degree. So he's had a lot of  
20      advantages in life.

21           The defense has noted a couple of times that  
22      Mr. Papadopoulos was out of his depth in dealing with  
23      Russian policy, and I accept that and I don't doubt that  
24      that is true. But there's a great difference between being  
25      out of one's depth in dealing with the Russian government

1 and being out of one's depth in dealing with the FBI. And I  
2 don't think I have any reason to think that Mr. Papadopoulos  
3 was not well equipped in any way to be honest and straight  
4 forward with the FBI. There's no reason to think the FBI  
5 bamboozled him in any way. And quite to the contrary, the  
6 FBI was up front about the fact that he was there  
7 voluntarily. They were up front about the fact that all  
8 they expected from him was the truth. And they were up  
9 front with him about the fact that if he didn't tell the  
10 truth, there could be consequences for that.

11 With respect to Mr. Papadopoulos' assistance, I  
12 provide some credit to that. This was not a case where  
13 there was substantial assistance. But it's also not a case  
14 in which Mr. Papadopoulos didn't make any effort at all to  
15 assist. I mean, he did meet with the Government on four  
16 occasions. Some of those interviews may have involved the  
17 Government showing him materials in which he, when faced  
18 with those materials, told them what happened. Some of it  
19 may be things that he was offering on his own where he was  
20 volunteering things. And I do credit the fact that he did  
21 offer some assistance.

22 I also credit the fact that Mr. Papadopoulos has  
23 taken responsibility for his actions, both by pleading  
24 guilty, but quite frankly by what he just said to me a few  
25 moments ago. And I want to come back to that in a few

1 minutes.

2           The Court has to consider as well the need for the  
3 sentence. I don't believe that this is a case in which  
4 there is any need for specific deterrence. I don't think  
5 this is a case in which there is a need to punish  
6 Mr. Papadopoulos to make sure that he doesn't engage in  
7 similar conduct in the future. I am persuaded by his  
8 assertion and his counsel's assertion quite frankly that the  
9 collateral consequences of all of this have been perhaps  
10 close to unbearable. I recognize that.

11           I do think, though, this is a case in which  
12 general deterrence is of great significance. And I think  
13 that it's important that the public know that there are real  
14 consequences when you appear before the FBI, you're there  
15 voluntarily, you're told all we expect of you is to tell the  
16 truth. And then you mislead and tell lies to the FBI about  
17 a matter of grave national importance. And I think that  
18 that's something that weighs heavily in my mind in thinking  
19 about this case.

20           I do need to think about Mr. Papadopoulos as an  
21 individual, and I think that both Mr. Papadopoulos and  
22 Mr. Breen have done a nice job of conveying that to me and  
23 letting me know who he is as an individual. But I do also  
24 have to think about the broader public ramifications and the  
25 message that whatever I do sends to the public about lying

1 to the FBI under any circumstances, but particularly under  
2 circumstances like those present here.

3 I'm also required to consider the types of  
4 sentences available. The guidelines range is between zero  
5 and six months of incarceration. The guidelines also  
6 recommend a fine between \$500 and \$9,500. The Government  
7 seeks a period of incarceration within the guidelines range,  
8 but doesn't take a position with respect to how long that  
9 period should be. And they also seek the \$9,500 fine.

10 Defense counsel has requested the Court impose a  
11 sentence of probation terminated instanter. And as I  
12 mentioned, the Probation Office has suggest a period of 30  
13 days imprisonment, no fine and a period of community  
14 service.

15 I've also considered the sentences imposed in  
16 other cases. You know, I do think that the Van Der Zwaan  
17 case is an important benchmark. I also, though, frankly was  
18 a little bit surprised when I got the statistics from the  
19 Sentencing Commission and saw that in almost 60 percent of  
20 the cases that were at least similar to this case in  
21 numbers -- and I don't think necessarily in quality, but at  
22 least in numbers, I was surprised to see that in almost  
23 60 percent of those cases there was a sentence of probation.

24 I think that there are differences between this  
25 case and the Van Der Zwaan case. I think frankly some of it

1 weighs in both directions on this. Mr. Van Der Zwaan was a  
2 lawyer. In some sense, one might say a lawyer is the last  
3 person you would expect should be lying to the Government,  
4 to the FBI, and that they know the consequences of it and he  
5 was represented by counsel. On the other hand, you might  
6 say and because he's a lawyer, he's likely to suffer even  
7 graver professional consequences perhaps than  
8 Mr. Papadopoulos would suffer.

9 I understand that there are differences about  
10 exactly when the defendants in the two cases came clean,  
11 although I think that the cases actually are not terribly  
12 dissimilar in that context in that it was through a process  
13 of confrontation by the Government with the evidence that  
14 they did so.

15 To my mind, though, there is one factor that does  
16 distinguish this case from the Van Der Zwaan case -- well,  
17 let me back up for a second. I think there really are two  
18 factors. I do think that Mr. Goldstein is right in that the  
19 nature of the information that was at issue here was  
20 something that was so clearly and directly tied to the  
21 national interest that it makes this case one that in some  
22 sense is graver.

23 On the other hand, I did read the transcript of  
24 what happened in front of Judge Jackson. One of the things  
25 that she remarked about was that she did not see from

1 Mr. Van Der Zwaan any genuine reflection of remorse. And as  
2 a judge, you know, I can hear what you have to say and I can  
3 only guess as to how genuine the remorse is and how well  
4 rehearsed it may be beforehand and with counsel.

5 As I heard what Mr. Papadopoulos said to me, I do  
6 credit the sense that he actually does feel remorse. And  
7 remorse not simply at getting caught, not simply being in  
8 the awful situation that he's in today, but remorse in  
9 letting his family down; letting himself down; letting  
10 himself get caught up in a way in which -- undoubtedly he  
11 was attracted to public policy and politics in the first  
12 place because he cared about his country. But got so caught  
13 up in it that he actually did something that was not in the  
14 interest of his country and was in his personal interest.  
15 And I do credit what he said to me and that he was genuinely  
16 remorseful about all of that, and that does affect my view.

17 So what I'm going to do is I'll now impose  
18 sentence. It is the judgment of the Court -- well, what I'm  
19 going to do is I'm going to tell you what I'm going to do  
20 and then I'll impose the sentence because I want to explain  
21 a little bit further what I'm going to do.

22 I'm going to impose a sentence of 14 days of  
23 incarceration, 12 months of supervised release, 200 hours of  
24 community service and a fine of \$9,500. And I can tell you  
25 that I actually -- I never make up my mind until I've heard

1 from everyone in a sentencing. And if you asked me what I  
2 was going to do walking in the door, if I had to tell you I  
3 probably would have said to be consistent with the Van Der  
4 Zwaan case and in light of the need to send a strong message  
5 here, I would sentence you -- I was going to sentence you to  
6 30 days of incarceration. And the reason that I came down  
7 from that to the 14 days was by what I perceived to be  
8 Mr. Papadopoulos' genuine remorse about what he did.

9 But on the other hand, I don't feel as though as I  
10 can go so far as to not impose a sentence of incarceration  
11 at all here because of the gravity of the investigation, the  
12 opportunity that Mr. Papadopoulos had to correct the record  
13 and did not do so. And the need to send a message to the  
14 public that there are consequences when you lie to the FBI  
15 about an investigation.

16 And there may be some people who feel as though 14  
17 days incarceration is not a terribly onerous sentence. I  
18 suspect Mr. Papadopoulos is not one of those people, and  
19 that just the process of having to go to prison will leave a  
20 strong impression on him for the remainder of his life. I  
21 feel for him for that, but I do feel as though that's  
22 something that I need to do in this case given the nature of  
23 the case and the need to convey to the public that this type  
24 of conduct is unacceptable.

25 And I would say the other aspect that I've

1 considered is comparing this case to other cases, and the  
2 fact that oftentimes courts do impose probationary sentences  
3 under similar circumstances.

4 So it is the judgment of the Court that you,  
5 George Papadopoulos, are hereby committed to the custody of  
6 the Bureau of Prisons for a term of 14 days on count one.  
7 You're further sentenced to serve 12 months of supervised  
8 release, and to pay a \$100 special assessment. You shall  
9 also pay a fine of \$9,500. The special assessment and fine  
10 are immediately payable to the Clerk of the Court for the  
11 U.S. District Court for the District of Columbia.

12 Within 30 days of any change of address, you shall  
13 notify the Clerk of the Court of the change until such time  
14 as the financial obligation is paid in full. Within 72  
15 hours of release from custody, you shall report in person to  
16 the Probation Office in the district to which you are  
17 released.

18 While on supervision, you shall submit to  
19 collection of DNA. You shall not possess a firearm or other  
20 dangerous weapon. You shall not use or possess an illegal  
21 controlled substance. And you shall not commit another  
22 federal, state or local crime. You shall also abide by the  
23 general conditions of supervision adopted by the U.S.  
24 Probation Office as well as the following special  
25 conditions.



1           You shall complete 200 hours of community service  
2     within 11 months. The Probation Office will supervise your  
3     participation in the program by approving the program. You  
4     must also provide written verification of completed hours to  
5     the Probation Officer. The Probation Office shall release  
6     the presentence investigation report to all appropriate  
7     agencies in order to execute the sentence of the Court.

8           I oftentimes in sentencing will provide for a  
9     reentry hearing where I actually invite the defendant in the  
10    case to come back to court with counsel present or welcome  
11    to be present to give me some feedback on their experience.  
12    I have to say, I would actually find it valuable in this  
13    case, Mr. Papadopoulos, to hear back from you about that.

14           But perhaps what I ought to do is give you a  
15    moment to confer with your counsel about that, because I  
16    don't think I would impose it. But if you wanted to  
17    actually come back at some point in time and talk to me  
18    about the case and your experience -- and frankly to provide  
19    me some feedback, I would welcome that. But I don't think  
20    I'm going to impose that as a requirement.

21           Why don't I give you a moment just to confer with  
22    Mr. Breen to see what you think about doing that.

23           **MR. BREEN:** Judge, he has no problem with that at  
24    all. I think it's a phenomenal idea for the whole system.

25           **THE COURT:** Well, what I'm going to do then is I'm

1 going to provide that within 120 days of Mr. Papadopoulos'  
2 release from incarceration, that he will appear before the  
3 Court for a reentry progress hearing. Before the hearing,  
4 the U.S. Probation Officer will submit a report summarizing  
5 Mr. Papadopoulos' status and compliance with release  
6 conditions.

7 I suspect you may be supervised in a district  
8 outside of the District of Columbia, is that right?

9 **MR. BREEN:** It is, Judge. We might as well go  
10 through this right now if we may.

11 I assume he'll have a surrender date, correct?

12 **THE COURT:** Well, what I'll do is -- I mean, I'm  
13 not going to require that Mr. Papadopoulos surrender today.  
14 I'll just simply have him surrender on the date and place  
15 specified by the Bureau of Prisons as directed through the  
16 Probation Office.

17 **MR. BREEN:** Judge, he would like permission to  
18 travel outside the northern district of Illinois and your  
19 Honor's district, because he is seeking the possibility of  
20 relocating to another city.

21 So I don't know how that -- all I know, if the  
22 Court will give him permission to travel outside those two  
23 districts --

24 **THE COURT:** Are you suggesting before the  
25 surrender date or after his period of incarceration?

1           **MR. BREEN:** After today, between now and the  
2           surrender date. The surrender dates back home are usually  
3           like 50 or 60 days away. I have no idea what your Honor  
4           does.

5           **THE COURT:** It's up to the Bureau of Prisons. I  
6           think that sounds about right to me, but that would be up to  
7           the Bureau of Prisons. I personally don't have any  
8           objection to that. I take it that you might prefer not to  
9           put on the record right now necessarily where he might be  
10          relocating. But what I will do is -- why don't I just  
11          simply leave that up to your discussions with -- is it  
12          Pretrial Services at this point or is it the Probation  
13          Office that would be -- it's Pretrial Services.

14          So what I'll do is let you confer with Pretrial  
15          Services about that. And if I need to enter an order, you  
16          can submit an order to the Court with respect to that. And  
17          you should confer with the Government about that as well.

18          **MR. BREEN:** If I may, Judge, I'm sorry.

19          Judge, what the situation is is he wanted to go to  
20          New York, the southern district, for maybe three or four or  
21          five days, and then he'd like to relocate out to California.  
22          He has no longer bonds to the city of Chicago other than his  
23          parents who can visit him elsewhere.

24          **THE COURT:** Does the Government object to  
25          modifying the terms of his release pending incarceration on

1 those grounds?

2 **MR. GOLDSTEIN:** We don't, your Honor. We don't  
3 want it to be nationwide release, so what I said to  
4 Mr. Breen is that if it's a short visit to New York and then  
5 he wants to relocate to Los Angeles, as long as that's  
6 something that the Probation Office can accommodate, that we  
7 wouldn't object.

8 **THE COURT:** Let me suggest this: Why don't you  
9 confer both with Pretrial Services, with the Government. If  
10 you can come up with an agreed upon proposed order, you're  
11 welcome to file that to the Court. And if Mr. Papadopoulos'  
12 personal privacy is involved, you can file something under  
13 seal with the Court with respect to the particular location  
14 where he might want to live or where he would be relocating.

15 **MR. BREEN:** All right, Judge.

16 **THE COURT:** So just completing my order with  
17 respect to the reentry progress hearing. If you're  
18 supervised by a district outside of the Washington, D.C.  
19 metropolitan area, the U.S. Probation Office in that  
20 district will submit a progress report to the Court within  
21 60 days of the commencement of supervision.

22 Pursuant to 18 U.S.C. section 3742, you have a  
23 right to appeal the sentence imposed by the Court if the  
24 period of imprisonment is longer than the statutory maximum  
25 or the sentence departs upward from the applicable

1 sentencing guidelines range. If you choose to appeal, you  
2 must file an appeal within 14 days after the Court enters  
3 judgment.

4 As defined in 28 U.S.C. section 2255, you also  
5 have a right to challenge the conviction entered or sentence  
6 imposed if new or currently unavailable information becomes  
7 available to you or on a claim that you received ineffective  
8 assistance of counsel in entering a plea of guilty to the  
9 offense of conviction or in connection with sentencing. If  
10 you're unable to afford the cost of an appeal, you may  
11 request permission from the Court to file an appeal without  
12 cost to you.

13 Under the D.C. Circuit's decision in the United  
14 States versus Hunter, I'm required to inquire of the parties  
15 whether there are any objections to the sentence imposed  
16 that have not already been noted for the record.

17 Mr. Goldstein?

18 **MR. GOLDSTEIN:** Not from the Government, your  
19 Honor.

20 **THE COURT:** Mr. Breen?

21 **MR. BREEN:** No, your Honor.

22 **THE COURT:** So just as parting words, let me just  
23 say to Mr. Papadopoulos I know this case and the sentence is  
24 painful to you. I know you went from a sense that your  
25 professional life was on the rise, and now I'm sure you're

1     wondering what comes next in your life. But I was impressed  
2     by your words to me where you said, "I'm a good man, I'm  
3     eager for redemption, for a second chance." And as  
4     unpleasant as all of this has been, I hope you actually  
5     think a little bit of your sentencing as the beginning of  
6     that second chance; and that it's your opportunity to serve  
7     your sentence, do your community service, put this behind  
8     you and hopefully go on and live a life that's happy and  
9     productive and in which you feel good about what you're  
10    doing and what you're contributing.

11           The Court will allow you to self-surrender. You  
12    are released on the same conditions that were previously  
13    applied subject to potential amendment along the lines that  
14    Mr. Breen has raised, but I'll wait to see a proposed order  
15    on that. You shall surrender for service of sentence at the  
16    institution designated by the Bureau of Prisons as notified  
17    by the Probation Office.

18           Anything further from the Government today,  
19    Mr. Goldstein?

20           **MR. GOLDSTEIN:** No, your Honor.

21           **THE COURT:** Mr. Breen, anything further?

22           **MR. BREEN:** No, your Honor. Thank you.

23           **THE COURT:** We're all done, thank you.

24           (Proceedings adjourned at 4:48 p.m.)  
25

C E R T I F I C A T E

I, **Jeff M. Hook, CSR, RPR**, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

September 7, 2018

**DATE**

  
\_\_\_\_\_

**Jeff M. Hook, CSR, RPR**

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